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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,923	01/20/2004	Mehran Mokhtari	B-4801NP 621673-0	2158

65050 7590 03/17/2008
HRL LABORATORIES, LLC
3011 MALIBU CANYON RD.
MALIBU, CA 90265

EXAMINER

NGUYEN, LEON VIET Q

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,923	Applicant(s) MOKHTARI ET AL.	
	Examiner LEON-VIET Q. NGUYEN	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 12, 18, 23, 24, 26-28, 34, 40, 45, 46, 48-50, 56, 62 and 64-672 is/are rejected.
- 7) ☒ Claim(s) 13, 35 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 3,7-11,14-17,19-22,25,29-33,36-39,41-44,47,51-55,58-61,63,73-77 and 82-85.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the election of species in the reply filed on 12/13/2007 is acknowledged. Applicant selects species V drawn to fig. 5, transmitter subspecies B drawn to fig. 9, and receiver subspecies D drawn to fig. 7 (Remarks page 22 last paragraph). Applicant contends that claims 1, 2, 4-6, 12-14, 18, 23, 24, 26-28, 34-36, 40, 45, 46, 48-50, 56-58, 62, and 64-85 read on the elected species (Remarks page 23).

However it is noted that claims 14, 36, and 58 pertain to the polarization of the carrier wave. Also, claims 73-77 claim a divider/counter which is shown in fig. 10 whereas element 243 in fig. 7 is a frequency counter. Furthermore claims 82-85 appear to read on fig. 10. Therefore claims 14, 36, 58, 73-77 and 82-85 will not be examined in this office action.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 5/17/04 was filed after the mailing date of 5/17/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. Claims 67 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 67 and 68, it is unclear what is meant by a serializer coupled to said data, a data edge synchronizer coupled to said serial stream of digital data bits, and wide-band limiting amplifiers coupled to said serial stream of digital data bits. Devices are not coupled to data but rather other devices. Is it meant that the devices are coupled to receive the digital data?

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 18, 23, 24, 26, 40, 45, 46, 48, 62 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (US4989219) in view of Toman (US4037173).

Re claim 1, Gerdes teaches a communication system for transmitting and receiving digital data comprising:

a transmitter (col. 2 lines 52-57, it is well known in the art that modulation occurs in the transmitting portion of a system. Therefore it would be necessary to have a

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transmitter to transmit the modulated signals) transmitting one or more gated carrier waves gated (col. 2 lines 39-46) by said digital data (col. 2 lines 57-63) and

a receiver (col. 2 lines 64-66, it is well known in the art that demodulation occurs in the receiving section of a system. Therefore it would be necessary to have a receiver to receiver the modulated signals) detecting at least one gated carrier wave of the one or more gated carrier waves (it would be obvious to one of ordinary skill in the art that a carrier wave be detected before demodulation),

wherein said receiver determines a state of said digital data by counting cycles of the at least one gated carrier wave of the one or more gated carrier waves (col. 1 lines 58-62, it would be obvious to one of ordinary skill in the art that a receiver would demodulate the carrier signal to obtain information representative of the logic states. This information would be obtained by counting every half cycle).

Gerdes fails to teach wherein the carrier waves are digitally gated. However Toman teaches digitally gating a radio frequency energy or signal (col. 2 lines 24-29), which is interpreted to be the carrier wave.

Therefore taking the combined teachings of Gerdes and Toman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the digital gating of Toman into the system of Gerdes. The motivation to combine Gerdes and Toman would be to provide an improved and

economical apparatus for generating two different modulated carriers (col. 1 lines 43-46).

Re claim 2, the modified invention of Gerdes teaches a communication system wherein at least one digitally gated carrier wave (col. 2 lines 24-29 of Toman) has a frequency in the less than microwave, microwave (col. 4 lines 54-57 of Toman), or millimeter wave spectrum and is radiated in free space from said transmitter to said receiver (it would be obvious to radiate the signal in free space since an aircraft flies in free space).

Re claim 4, the modified invention of Gerdes teaches a communication system where said transmitter comprises:

a carrier wave generator (sinusoidal $2f$ carrier in fig. 2 of Gerdes, it would be necessary to have a generator to generate the sinusoidal carrier wave); and

a digital gating device (col. 2 lines 24-29 of Toman) coupled to said carrier wave generator (col. 2 lines 39-46 of Gerdes, it would be obvious that the wave generator and gating device would be coupled together since the carrier signal is gated) and controlled by said digital data (col. 2 lines 18-24 and lines 29-36 of Toman, the digital data stored in the registers),

said digital gating device gating a carrier wave from said carrier wave generator on and off according to a state of the digital data (abstract of Toman, col. 1 line 67 – col. 2 lines 6 of Toman).

Re claim 18, the modified invention of Gerdes teaches a communication system wherein said transmitter selectably generates said at least one digitally gated carrier wave at selectable radio frequencies (col. 4 lines 49-61 of Gerdes).

Re claim 23, the claimed limitations recited have been analyzed and rejected with respect to claim 1. It would be obvious and necessary to have a method of using the apparatus as claimed in claim 1.

Re claim 24, the claimed limitations recited have been analyzed and rejected with respect to claim 2.

Re claim 26, the claimed limitations recited have been analyzed and rejected with respect to claim 4.

Re claim 40, the claimed limitations recited have been analyzed and rejected with respect to claim 18.

Re claim 45, the claimed limitations recited have been analyzed and rejected with respect to claim 1.

Re claim 46, the claimed limitations recited have been analyzed and rejected with respect to claim 2.

Re claim 48, the claimed limitations recited have been analyzed and rejected with respect to claim 4.

Re claim 62, the claimed limitations recited have been analyzed and rejected with respect to claim 18.

Re claim 66, the modified invention of Gerdes teaches an apparatus wherein means for transmitting comprises means for selecting one or more selectable radio frequencies for said at least one gated carrier wave based on a desired coding (col. 1 lines 59-66 of Toman, the various modulation levels for each of said at least two radio carriers. Coding and modulation are interpreted to be the same).

3. Claims 5, 27, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (US4989219) and Toman (US4037173) in view of Yousefi et al (US6957078).

Re claim 5, the modified invention of Gerdes fails to teach a communication system wherein said transmitter further comprises a power amplifier disposed at said output of said digital gating device and coupled to at least one transmit antenna.

However Yousefi teaches a communication system wherein said transmitter further comprises a power amplifier (abstract, TWTA 210 in fig. 2) disposed at said output of said digital gating device (modulator 206 in fig. 2 which is further described in fig. 3, col. 4 lines 1-2) and coupled to at least one transmit antenna (antennas 112 and 114 in fig. 2).

Therefore taking the modified teachings of Gerdes and Toman with Yousefi as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the power amplifier of Yousefi into the system of Gerdes and Toman. The motivation to combine Yousefi, Gerdes and Toman would be

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to provide more efficient use of downlink, satellite power, and satellite processing (col. 6 lines 8-15). Furthermore, it is well known in the art that amplifiers are used to increase the signal strength.

Re claim 27, the claimed limitations recited have been analyzed and rejected with respect to claim 5.

Re claim 49, the claimed limitations recited have been analyzed and rejected with respect to claim 5.

4. Claims 6, 28, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (US4989219), Toman (US4037173) and Yousefi et al (US6957078) in view of Staszewski et al (US20020186782).

Re claim 6, the modified invention of Gerdes fails to teach a communication system wherein said power amplifier is operated in a non-linear region of operation.

However Staszewski teaches a communication system wherein said power amplifier is operated in a non-linear region of operation (¶0041).

Therefore taking the modified teachings of Gerdes, Toman, and Yousefi with Staszewski as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Staszewski into the system of Gerdes, Yousefi and Toman. The motivation to combine Staszewski, Yousefi, Gerdes and Toman would be to provide more amplitude control (¶0041).

Re claim 28, the claimed limitations recited have been analyzed and rejected with respect to claim 6.

Re claim 50, the claimed limitations recited have been analyzed and rejected with respect to claim 6.

5. Claim 12, 34, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (US4989219) and Toman (US4037173) in view of Bobier (US6968014) and further in view of Paul (US4087753)

Re claim 12, the modified invention of Gerdes fails to teach a communication system wherein the presence of a specified number of cycles in said at least one digitally gated carrier wave indicates a first state of said digital data and the absence of a specified number of cycles in said at least one digitally gated carrier wave indicates a second state of said digital data and said receiver comprises digital counting circuitry counting the number of cycles present in and counting the number of cycles absent from said at least one digitally gated carrier wave.

However Bobier teaches wherein the presence of a specified number of cycles in said at least one carrier wave (waves 14 and 22 corresponding to points 16 and 28 in fig. 1) indicates a first state of said digital data (col. 5 lines 13-16, the binary value is interpreted to be a logic state of "0" or "1") and the absence of a specified number of

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cycles in said at least one carrier wave (points 20 and 30 in fig. 1) indicates a second state of said digital data (col. 5 lines 13-16, the binary value is interpreted to be a logic state of "0" or "1").

Therefore taking the modified teachings of Gerdes and Toman with Bobier as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Bobier into the system of Gerdes and Toman. The motivation to combine Bobier, Gerdes and Toman would be to provide highly efficient utilization of a carrier with a ratio of utilization of the carrier to information approaching 1:1 (col. 5 lines 35-38).

Paul teaches a receiver comprising digital counting circuitry (counters 236 and 238 in fig. 7) for counting the number of cycles present in (col. 28 lines 56-57) and counting the number of cycles absent from (col. 28 lines 54-56) said at least one carrier wave (the data pulse signal is interpreted to be a carrier waveform).

Therefore taking the modified teachings of Gerdes and Toman with Paul as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Paul into the system of Gerdes and Toman. The motivation to combine Paul, Gerdes and Toman would be to provide an improved communication apparatus between two objects (col. 2 lines 19-20).

Re claim 34, the claimed limitations recited have been analyzed and rejected with respect to claim 12.

Re claim 56, the claimed limitations recited have been analyzed and rejected with respect to claim 12.

6. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (US4989219) and Toman (US4037173) in view White et al (US20010005145).

Re claim 64, the modified invention of Gerdes fails to teach an apparatus wherein said at least one gated carrier wave is generated at selectable optical and/or selectable radio frequencies and said means for receiving comprises:

means for receiving a radiated electrical signal, said means for receiving a radiated electrical signal said at least one gated carrier wave at radio frequencies.

However White teaches means for receiving a radiated electrical signal (¶0019 and ¶0047, the electromagnetic radiation receiver) , said means for receiving a radiated electrical signal said at least carrier wave at radio frequencies (¶0047, the electrical signal is modulated onto a RF carrier wave).

Therefore taking the modified teachings of Gerdes and Toman with White as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of White into the system of Gerdes and

Toman. The motivation to combine White, Gerdes and Toman would be to improved testability of a circuit (¶0011).

7. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes et al (US4989219), Toman (US4037173), and White et al (US20010005145) in view of Vatis (US4602226).

Re claim 65, the modified invention of Gerdes fails to teach an apparatus according wherein said means for receiving additional comprises a diode detector coupled to said means for receiving a radiated electrical signal, wherein said diode detector produces a baseband digital on/off bit format signal.

However Vatis teaches a diode detector (diodes 224a-224d in fig. 3)w herein said diode detector produces a baseband digital on/off bit format signal (col. 10 line66 – col. 11 line 2. It would be obvious that the switching feature of the diode produce an on and off signal).

Therefore taking the modified teachings of Gerdes, Toman, and White with Vatis as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Vatis into the system of White, Gerdes and Toman. The motivation to combine Vatis, White, Gerdes and Toman would be to provide novel gated RF carrier signal modulation (col. 1 lines 51-53).

8. Claims 67 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al (US20040223557) in view of Ainsworth (US5245630).

Re claim 67, Luhman teaches(as understood based upon the 1122nd rejection above) a digital transmitter for transmitting digital data comprising:

a carrier generator providing one or more carrier signals at selected frequencies (¶0031, although not explicitly taught it would be necessary to have a generator to generate a carrier wave);

a data edge synchronizer coupled to said serial stream of digital bits and receiving at least one carrier signal of said one or more carrier signals (¶0031-¶0032, the clock signal is interpreted to represent the cycles of the carrier wave. It would be obvious to have a synchronizer to perform the synchronization), said data edge synchronizer producing a synchronized stream of digital bits (¶0031, the data bit stream is synchronized to the clock signal), wherein at least one edge of each digital bit in said synchronized stream of digital bits is synchronized to a specified part of each cycle within said at least one carrier signal (¶0031-¶0032, the data and clock signals are synchronized to each other); and

a gating circuit (buffer 120 in fig. 9 acts as a gate, ¶0049) gating at least one carrier signal of said one or more carrier signals according to each digital bit in said synchronized stream of digital bits (¶0045 and ¶0049, the FIFO buffer gates the synchronized output from flip-flops 116 and 118 in fig. 9).

Luhman fails to teach a serializer coupled to said digital data and producing a serial stream of digital bits. However Ainsworth teaches a serializer coupled to said digital data and producing a serial stream of digital bits (col. 2 lines 19-27).

Therefore taking the combined teachings of Luhman and Ainsworth as a whole, it would have been obvious to one of ordinary skill in the art at the time the was made to incorporate the serializer of Ainsworth into the transmitter of Luhman. The motivation to combine Ainsworth and Luhman would be provide serial data which is well known to travel over further distances than parallel data.

Re claim 78, the claimed limitations recited have been analyzed and rejected with respect to claim 67.

9. Claims 68, 69, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al (US20040223557) and Ainsworth (US5245630) in view of Cheng (US4789838).

Re claim 68, the modified invention of Luhman fails to teach a digital transmitter wherein said data edge synchronizer comprises:

one or more wide-band limiting amplifiers coupled to said serial stream of digital bits; and

a flip-flop coupled to an output of said one or more wide-band limiting amplifiers.

However Cheng teaches one or more wide-band limiting amplifiers (wideband amplifier 10 in fig. 1) and a flip-flop coupled to an output of said one or more wide-band limiting amplifiers (flip/flop 18 in fig. 1).

Therefore taking the modified teachings of Luhman and Ainsworth with Cheng as a whole, it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Cheng into the transmitter of Luhman and Ainsworth. The motivation to combine Cheng, Ainsworth, and Luhman would be to prevent multi-triggering (col. 2 lines 22-25).

Re claim 69, the modified invention of Luhman teaches a digital transmitter wherein said flip-flop comprises a latch or D flip-flop (D flip/flop 18 in fig. 1 of Cheng).

Re claim 79, the claimed limitations recited have been analyzed and rejected with respect to claims 68 and 69.

10. Claims 70-72, 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al (US20040223557) and Ainsworth (US5245630) in view of Toman (US4037173).

Re claim 70, the modified invention of Luhman fails to teach a digital transmitter wherein said gating circuit gates said at least one carrier signal on and off.

However Toman teaches a gating circuit wherein the gating circuit gates at least one carrier signal on and off (abstract).

Therefore taking the modified teachings of Luhman and Ainsworth with Toman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the digital gating of Toman into the transmitter of Luhman and Ainsworth. The motivation to combine Luhman, Ainsworth and Toman would be to provide an improved and economical apparatus for generating two different modulated carriers (col. 1 lines 43-46).

Re claim 71, the modified invention of Luhman fails to teach a digital transmitter wherein said gating circuit selects one carrier signal of said one or more carrier signals and gates the selected carrier signal.

However Toman teaches wherein said gating circuit selects one carrier signal of said one or more carrier signals and gates the selected carrier signal (abstract, col. 2 lines 24-42, it would be obvious to gate the carrier that is on).

Therefore taking the modified teachings of Luhman and Ainsworth with Toman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the digital gating of Toman into the transmitter of Luhman and Ainsworth. The motivation to combine Luhman, Ainsworth and Toman would be to provide an improved and economical apparatus for generating two different modulated carriers (col. 1 lines 43-46).

Re claim 72, the modified invention of Luhman teaches a digital transmitter wherein said gating circuit (buffer 120 in fig. 9 of Luhman acts as a gate, ¶0049 of Luhman) gates said at least one carrier signal according to each digital bit in said synchronized stream of digital bits (¶0045 and ¶0049 of Luhman, the FIFO buffer gates the synchronized output from flip-flops 116 and 118 in fig. 9 of Luhman). The modified invention fails to teach where the circuit gates according to a specified code sequence.

However Toman teaches wherein said gating circuit gates according to a specified code sequence (col. 2 lines 24-32, the sample point value is interpreted to be a code sequence).

Therefore taking the modified teachings of Luhman and Ainsworth with Toman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the digital gating of Toman into the transmitter of Luhman and Ainsworth. The motivation to combine Luhman, Ainsworth and Toman would be to provide an improved and economical apparatus for generating two different modulated carriers (col. 1 lines 43-46).

Re claim 80, the claimed limitations recited have been analyzed and rejected with respect to claim 71.

Re claim 81, the claimed limitations recited have been analyzed and rejected with respect to claim 72.

Allowable Subject Matter

11. Claims 13, 35, 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEON-VIET Q. NGUYEN whose telephone number is (571)270-1185. The examiner can normally be reached on monday-friday, alternate friday off, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Leon-Viet Q Nguyen/
Examiner, Art Unit 2611

/David C. Payne/
Supervisory Patent Examiner, Art Unit 2611